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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,989	09/30/2003	Frederick Forbes Vannan	FFV-002	5234

7590 03/21/2005  
Frederick F. Vannan  
8509 Foxglove Ave. N.W.  
Clinton, OH 44216

EXAMINER
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JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,989	<b>Applicant(s)</b> VANNAN, FREDERICK FORBES	
	<b>Examiner</b> Adrienne C. Johnstone	<b>Art Unit</b> 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 clearly fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention because method claim 1 does not recite any method steps and apparatus claim 3 does not recite any apparatus structure. Note that these claims as currently drafted are not patentably distinct from article claim 2 due to their lack of method steps/apparatus structure and therefore have not been restricted at this time, however restriction will be considered in view of any method steps/apparatus structure applicant adds to claims 1 and 3 in response to this Office action.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the method and apparatus for making a reinforced liquid elastomer tire disclosed in the specification, does not reasonably provide enablement for any and all possible methods and apparatus for making a reinforced liquid elastomer tire. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

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The claims encompass any and all possible methods and apparatus for making a reinforced liquid elastomer tire because they do not recite any method steps/apparatus structure as noted in paragraph 2 above, however the specification discloses at most only those methods and apparatus for making a reinforced liquid elastomer tire known to the inventor; method claim 1 and apparatus claim 3 are therefore in essence single means claims which lack enablement commensurate in scope with the scope of the claims as a matter of law (see MPEP 2164.08(a)).

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 6-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Vannan, Jr. (4,231,410).

See col. 2 line 8 - col. 8 line 52. As to claims 7-9, the tire may operate without inflation pressure (in compression) as well as with inflation pressure (in tension) (col. 8 lines 41-52); in any case, the claims as currently drafted do not exclude the tires of the reference because any tire is capable of supporting some indeterminate "load" both with and without some indeterminate "inflation pressure". As to claim 11, applicant has used the term "bead" to define the conventional bead core or bead ring 7 in the specification, and such bead cores are not present in the tires of the reference.

7. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication 2002/0033220 A1.

See paragraphs 0056-0058.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents anticipate or render obvious at least claims 1-3 but are considered to be no more pertinent to the instant claims than the prior art already applied by the examiner: Newton et al. (3,229,013); Larson (3,956,448); Lapeyre (4,140,165); Vannan, Jr. (4,231,410); Schmidt et al. (4,277,295); McIntosh et al. (4,287,930); Rau et al. (4,453,993); Cesar et al. (4,476,908); and Schmidt (4,711,284).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571)272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571)272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne Johnstone

March 15, 2005

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

